

**UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF NEW JERSEY
NEWARK VICINAGE**

Plaintiff(s)

EDWIN J. PADILLA & JACQUELINE PADILLA

vs.

Civil Action No: 06-5993 (PGS)

Defendant(s)

QUALITY ASSET RECOVERY, MID AMERICA
CREDIT MANAGEMENT, RJM ACQUISITIONS,
LLC, BCC FINANCIAL MANAGEMENT
SERVICES, INC., ABC CORP I-V'S
(Fictitious companies)

**COMPLAINT AND DEMAND FOR JURY
TRIAL**

COMPLAINT AND DEMAND FOR JURY TRIAL

Edwin J. Padilla and Jacqueline Padilla, Plaintiffs in the above entitled and captioned matter, by way of Complaint against the defendants respectfully demand Judgment of this Honorable Court against each defendant, as follows:

INTRODUCTION

This is an action for damages against all defendants for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA"). Plaintiff seeks actual damages, statutory damages, punitive damages, costs and attorney's fees pursuant to the FDCPA.

JURISDICTION AND VENUE

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k (d), 28 U.S.C. § 1337, 28 U.S.C. § 1332. Declaratory relief is available pursuant to 28 U.S.C. § 2201 and 2202. Venue in this District is proper in that the conduct complained of occurred here and it is the district where Plaintiffs reside. 28 U.S.C. § 1391.

PARTIES

3. Plaintiffs Edwin J. Padilla and Jacqueline Padilla are natural persons residing in Jersey City, NJ, Hudson County.
4. Defendants Quality Asset Recovery, Mid America Credit Management, RJM Acquisitions, LLC, BCC Financial Management Services, Inc., ABC Corp I-V's (Fictitious companies) are domestic and/or foreign corporations engaged in the business of collecting debts in this State.
5. Defendants Quality Asset Recovery, Mid America Credit Management, RJM Acquisitions, LLC, BCC Financial Management Services, Inc., ABC Corp I-V's (Fictitious companies) are "debt collectors" as defined by the FDCPA, 15 U.S.C. § 1692a (6).
6. All defendants are doing business in the State of New Jersey.

REQUEST FOR TRIAL BY JURY

7. Plaintiff requests a trial by jury.

REQUEST FOR EXEMPLARY/PUNITIVE DAMAGES

8. Plaintiff respectfully requests that this Court instruct the jury, as the trier of facts, that in addition to actual, statutory and/or compensatory damages, punitive or exemplary damages may be awarded against the Defendants under the provisions of the FDCPA.

REQUEST FOR COSTS OF LITIGATION AND ATTORNEY FEES

9. Plaintiff respectfully requests that this Court award Plaintiff her litigation expenses and other costs of litigation and reasonable attorney fees incurred in this litigation, in accordance with the provisions of the FDCPA.

GENERAL FACTUAL BASIS

10. Plaintiffs filed for Chapter 7 Bankruptcy protection and received a discharge on February 10, 2006. Included in the Bankruptcy was the alleged debts of Defendants. Defendants were served with the bankruptcy petition and/or had actual or constructive knowledge of the bankruptcy, discharge and the automatic stay.
11. In violation of the FDCPA, Bankruptcy law and the automatic stay, Defendants Quality Asset Recovery, Mid America Credit Management, RJM Acquisitions, LLC, BCC Financial Management Services, Inc., ABC Corp I-V's (Fictitious companies) continued to attempt to collect this alleged debt by listing these debts as unpaid collections of Plaintiffs' credit reports. Defendants BCC Financial Management Services, Inc. and ABC Corp I-V's also mailed a collection letter to Plaintiff on November 29, 2005 attempting to collect this debt and advising that this debt was still due and owing.
12. As a result of these actions, Plaintiff has sustained actual damages, emotional distress and statutory damages.
13. All conditions precedent to the bringing of this action have been performed, waived or excused.
14. Plaintiffs are "consumers" as defined in the FDCPA.

COUNT I

VIOLATION OF THE FDCPA BY QUALITY ASSET RECOVERY, MID AMERICA CREDIT MANAGEMENT, RJM ACQUISITIONS, LLC, BCC FINANCIAL MANAGEMENT SERVICES, INC., ABC CORP I-V'S

15. Plaintiff repeats and realleges and incorporates by reference paragraphs 1 through 14 above.

16. Defendants violated the FDCPA. Defendants' violations include, but are not limited to, the following:
- (a) The Defendants violated 15 U.S.C. § 1692e(2)(a) by misrepresenting the amount, character and status of a debt.
 - (b) The Defendants violated 15 U.S.C. § 1692e(4) and 1692(f) by misrepresenting that nonpayment will result in a legal action and a judgment.
 - (c) The Defendants violated 15 U.S.C. § 1692f by attempting to collect a debt which Plaintiff did not owe.
 - (d) The Defendants violated 15 U.S.C. § 1692e(5) by threatening to take action that cannot legally be taken.
 - (e) The Defendants violated 15 U.S.C. § 1692e(10) by using a false representation or deceptive means to attempt to collect a debt.
 - (f) The Defendants violated 15 U.S.C. § 1692d by contacting Plaintiff with the intent to annoy, oppress, harass, abuse in the connection with the collection of a debt.
 - (g) The Defendants violated 15 U.S.C. § 1692e(8) by communicating false credit information.
17. As a result of the above violations of the FDCPA, the Quality Asset Recovery, Mid America Credit Management, RJM Acquisitions, LLC, BCC Financial Management Services, Inc., ABC Corp I-V's (Fictitious companies) are liable to the Plaintiff for declaratory judgment that their conduct violated the FDCPA, and for Plaintiff's actual damages, statutory damages, punitive damages and costs and attorney's fees.

WHEREFORE, Plaintiffs respectfully prays that judgment be entered against the Defendants Quality Asset Recovery, Mid America Credit Management, RJM Acquisitions, LLC, BCC Financial Management Services, Inc., ABC Corp I-V's (Fictitious companies) for declaratory judgment that Defendants' conduct violated the FDCPA, and declaratory and injunctive relief for such; actual damages; statutory damages pursuant to 15 U.S.C. § 1692k; punitive damages; costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k, and for such other and further relief as may be just and proper.

GREENBERG MINASIAN, LLC
Attorneys for the Plaintiffs

Date: December 14, 2006

/s/Lawrence D. Minasian
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